

REMARKS

This Amendment is being filed in response to the Office Action mailed March 7, 2007, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

At the outset, it is noted that there is no objection or rejection of claim 25 in the Office Action. Accordingly, it is presumed that claim 25 is in a condition for allowance and notice to that effect is respectfully requested.

In the Office Action, claims 4-7 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Publication No. 2005/0099924 (Dekker). Claims 5-6, 10, 13-15, 17-19 and 21-23 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 6,526,014 (Masaki). Further, claims 1, 3 and 8 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 5,848,043 (Takada) in view of U.S. Patent No. 4,783,776 (Ishigaki). Claims 11-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Masaki in view of Ishigaki. It appears that on pages 5-6, items 6-7 of the Office Action,

Ishigaki is referred to using the wrong patent number (namely 6,526,014 which is Masaki). Claims 16, 20 and 24 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Masaki in view of Dekker. It is respectfully submitted that claims 1, 3-8 and 10-25 are patentable over Dekker, Masaki, Takada and Ishigaki for at least the following reasons.

With respect to rejections to claims 16, 20 and 24 under 35 U.S.C. §103(a) as allegedly unpatentable over Masaki in view of Dekker, it is respectfully requested that Dekker is available as prior art with regard to the present application only under 35 U.S.C. §102(e), and is not available as prior art under §103(a) for the following reasons.

Dekker is available as prior art under 35 U.S.C. §102(e) since Dekker has an effective U.S. filing date of March 13, 2001, and a publication date of May 12, 2005 which is after August 14, 2002, the effective filing date of the present application.

The present application was filed with the United States Patent & Trademark Office on February 9, 2005, and thus has the benefit of the November 29, 1999, changes to 35 U.S.C. §103(c). Under 35 U.S.C. §103(c), (emphasis added) "Subject matter developed by another person, which qualifies as prior art only under one or

more subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The subject matter of Dekker and the claimed invention are and were, at the time the claimed invention was made, owned by, or subject to an obligation of assignment to, the same person(s) or organization(s).

As the present application is owned by the same person or subject to an obligation of assignment to the same person, it is respectfully submitted that Dekker is not available as prior art under §103(a). Therefore, it is respectfully submitted that because Dekker is not prior art under §103(a), and that claims 16, 20 and 24 are in condition for allowance and allowance thereof is respectfully requested.

Dekker is directed to optical recording process for recording data on a recording medium by a sequence of radiation pulses. As shown in FIG 2b of Dekker, the pulse sequence starts at a power level corresponding to a first control signal 31, then followed by a lower power level, then followed by a higher power level

corresponding to front heating pulse 252, then followed by a power level corresponding to write pulse 26, then immediately followed by a power level corresponding to rear heating pulse 242 which is higher than the power level corresponding to first control signal 31 but lower than power level corresponding to write pulse 26, and then by followed by the power level corresponding to first control signal 31.

As shown in FIG 2b of Dekker, even if the power level corresponding to write pulse 26 is the highest power level and first control signal 31 is the erase power level, Dekker does not disclose or suggest the highest write power level is immediately followed by a further write power level, the further write power level being lower than the erase power level as required by claim 7 of the present application. Rear hearing pulse 242 is at a higher power level than the first control signal 31, rather than being immediately followed by a further write power level being lower than the erase power level as required by claim 7.

Furthermore, even if the power levels corresponding to front heating pulse 253 is considered to be the highest power level in FIG 2b, Dekker still does not disclose or suggest power levels where there is no decrease in a power level between the lowest

write power level and the highest write power level as required by claim 7 of the present application. The power levels decrease from front heating pulse 253 to the next power level in FIG 2b of Dekker.

Additionally, even if the power level corresponding to write pulse 26 is the n-th power level and first control signal 31 is the erase power level, still Dekker does not disclose or suggest wherein the n-th power level is immediately followed by a further write power level, the further write power level being lower than the erase power level, wherein there is no decrease in a power level between the first write power level and the n-th write power level as required by claim 4 of the present application. The rear hearing pulse 242 has a power level which is at a higher power level than the first control signal 31 power level, rather than being immediately followed by a further write power level being lower than the erase power level as required by claim 4.

Furthermore, a write pulse comprising a write power level which continuously increases as a ramp function, as required by claim 5, is nowhere taught or suggested in Dekker.

Masaki is directed to test writing on an optical storage medium for deciding an optimum light emitting power. FIG 4H of

Masaki, which is referred to on page 3 of the Office Action, shows discrete light emission current/power levels WP1 and WP2, for example. WP1 and WP2 are different discrete writing power levels.

The Office Action on page 3, numbered paragraph 4 alleges that FIG 4H of Masaki shows continuously increasing from WP1 and WP2. The Applicants disagree. WP1 and WP2 are clearly distinct, discrete power non-continuous levels. However, in arguendo, even if the power levels continuously increase from WP1 and WP2 in Masaki, Masaki does not disclose or suggest a write power level which continuously increases as a ramp function as required by claims 5, 10, 13, 17 and 21.

Furthermore, with regard to the rejection of claims 14-15, 18-19 and 22-23, the Office Action points to FIG 4H without further specificity to allegedly show the necessary elements. Applicants respectfully disagree. Masaki neither discloses nor suggests a staircase-shaped pulse that includes a last portion having a larger duration than a previous portion in claims 14, 18 and 22 or staircase-shaped pulse includes a last portion having twice a duration of a previous portion and twice a level of the previous portion in claims 15, 19 and 23. These elements are simply not shown in Masaki.

With regard to the rejection to claims 1, 3 and 8, the Office Action states on page 5, numbered paragraph 6 that "Takada et al does not disclose a sequence consists of multiple, i.e. n, portions after the first pulse, n being an integer number large than 1, the i-th portion having a i-th write power level, i being an integer number in the range between 1 and n, the i-th portion preceding the (i+1)-th portion, and in that the i-th write power level is lower than the (i+1)-th write power level" as required by claims 1, 3 and 8. Ishigaki is introduced in an attempt to cure the deficiencies in Masaki

Ishigaki is directed to a method of recording digital information by forming a plurality of light beam guide tracks, with the tracks comprising a series of pre-pits disposed in the scan direction. Recording and reproducing information is performed by changing the wavelength of the light beam in a predetermined order while the light beam is scanned by one interval of the pre-pits. In FIG. 6, Ishigaki shows a graph of increasing wavelength in discrete steps over time.

The Office Action states on page 6, 1st paragraph that, FIG 6 of Ishigaki shows "the absorption power corresponds to the wavelength so as  $\lambda$  increase so does laser power". Applicants

respectfully disagree. Rather, FIG 6 of Ishigaki shows increasing wavelength over time, or in other words, decreasing frequency over time. A chart of decreasing frequency over time does not teach or suggest increasing laser power levels over time at all!

In FIG 6 of Ishigaki, there is simply no power levels at all. Rather, wavelength levels are shown. Accordingly, Takada alone or in combination with Ishigaki do not disclose or suggest the  $i$ -th portion having an  $i$ -th write power level,  $i$  being an integer number in the range between 1 and  $n$ , the  $i$ -th portion preceding the  $(i+1)$ -th portion, and wherein the  $i$ -th write power level is lower than the  $(i+1)$ -th write power level as required by claims 1 and 8 of the present application.

With regard to claims 11 and 12, Ishigaki is introduced in an attempt to cure the deficiencies in Masaki. The Office Action points to FIG 6 of Ishigaki to allegedly show the features of claims 11 and 12. FIG 6 of Ishigaki merely shows a series of discrete wavelength levels. FIG 6 does not even show power levels much less continuously increasing power levels! Furthermore, arguendo, even if FIG 6 of Ishigaki shows power levels, Masaki, alone, or in combination with Ishigaki still does not disclose or suggest a write power level continuously increases at least one of



linearly and a higher-order function including a parabolic function or an exponential function as required by claims 11 and 12 of the present application. Rather, the wavelength levels in FIG 6 of Ishigaki increases in discrete steps and not continuously increasing linearly or by a higher-order function.

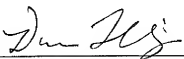
With consideration to all the arguments made above, it is respectfully submitted that independent claims 1, 4-5, 7-8, 10, 13, 17 and 21 should be allowable.

In addition, claims 3, 6, 11-12, 14-16, 18-20 and 22-25 should be allowable at least based on their dependence from independent claims 1, 5, 10, 13, 17 and 21.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

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